

Docket No.: (51588)62031
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
JOUNG, KEITH J. *et al.*

Application No.: 10/532,258

Filed: April 21, 2005

Art Unit: Not yet assigned

For: CONTEXT SENSITIVE PARALLEL
OPTIMIZATION OF ZINC FINGER
DNA BINDING DOMAINS

Examiner: Not Yet Assigned

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.47(a)

Dear Sir:

A Notification of Missing Parts of Nonprovisional Application Filed Under 35 C.F.R. 1.53(b) was mailed by the U.S. Patent and Trademark Office on 15 December, 2005. The Notification of Missing Parts of Nonprovisional Application Filed Under 35 C.F.R. 1.53(b) indicated that a Declaration and Power of Attorney Form of the inventors was missing.

J. Keith JounG, residing at 1 Magnolia Way, Winchester, MA 01890, one of the two inventors, has executed the Declaration. A copy is enclosed. The second inventor, Carl Pabo, whose last known address is 77 Marion St. Apt #113, Brookline, MA 02446, has not executed the Declaration. This is a petition under 37 C.F.R. §1.47(a) to accept the Declaration executed by the one inventor on behalf of himself and the non-signing inventor in order to avoid prejudice to the Assignee.

The pertinent facts establishing the refusal by Carl Pabo to sign the declaration

are as follows.

Legal Staff
International Division

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27 JUN 2006

Carl Pabo contributed to the making of this invention while at The Massachusetts Institute of Technology. Carl Pabo is no longer an employee of The Massachusetts Institute of Technology. Carl Pabo was contacted by Sandra Fay-Richard, Licensing Associate for Corporate Sponsored Research & Licensing of The Massachusetts General Hospital, regarding Notification of Missing Parts for the instant application. Ms. Fay-Richard indicated to Carl Pabo by telephone and electronic mail communications that a signed Declaration was due in the Patent Office on or before April 15, 2006 with a petition for a two month extension of time and the payment of accompanying fees. Carl Pabo was non-compliant to repeated requests for a signed declaration. Ms. Fay-Richard persisted in requesting a signed Declaration from Carl Pabo, or confirmation of his wished to decline further participation in the prosecution of the instant application. In an electronic mail dated 13 April 2006, which is attached as an exhibit to this petition, Carl Pabo responded that:

(y)es, I would like to decline participation in prosecution of this patent.---As I mentioned, I am working under immense time pressure with other responsibilities."

Based on the above facts, it is submitted that Dr. Carl Pabo is refusing to sign the Declaration, presumably due to other obligations that have interfered with his ability to devote time to a suitable review of the instant application. Relief under 37 C.F.R. §1.47 is requested by the one other inventor and the assignee.

Please charge our Deposit Account No. 04-1105 in the amount of \$200.00.

Applicants believe that additional fees are not required for consideration of the within petition. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

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Respectfully submitted,

Date May 15, 2006

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By Amy Leahy

Amy M. Leahy
Registration No.: 47,739
Attorney for Applicant

Rec'd PCT/PTO 18 MAY 2006

From: Pabo, Carl Ogren [mailto:Carl_Pabo@hms.harvard.edu]
Sent: Thursday, April 13, 2006 12:20 PM
To: Fay-Richard, Sandra L.
Subject: RE: MGH 2223

Dear Sandra,

Thanks again for your help. Yes, I would like to decline participation in prosecution of this patent. --- As I mentioned, I am working under immense time pressure with other responsibilities. I do not feel I have been able, under these circumstances, to study the applications carefully enough to attest to the conditions set forth in the declaration.

Hope things are well, and thanks again for the chance to talk for a few minutes last week.

Best,
Carl